

CALIFORNIA COASTAL COMMISSION

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W12a - f

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APPEAL STAFF REPORT - SUBSTANTIAL ISSUE DETERMINATION

Appeal number **A-3-SCO-05-036, A-3-SCO-05-037, A-3-SCO-05-038, A-3-SCO-05-039, A-3-SCO-05-040, and A-3-SCO-05-041; Wireless Facilities**

Applicant AT&T, Attn: Roger Haas

Appellants Marilyn Garrett, Stephen & Laura Brooks

Local government Santa Cruz County

Local decision Approved with Conditions by the Santa Cruz County Zoning Administrator on May 6, 2005

Project location Six locations in the Highway 1 right-of-way between Santa Cruz and Davenport, North Santa Cruz County.

Project description Install a system of six “microcell” wireless communication facilities on existing utility poles on the inland side of Highway 1 right-of-way.

File documents Santa Cruz County Certified Local Coastal Program (LCP); Santa Cruz County CDP Application Files 03-0294, 03-0295, 04-0118, 04-0120, 04-0121, and 04-0336.

Staff recommendation ... **No Substantial Issue**

Summary of staff recommendation: The appealed permit authorizes AT&T to install a system of “micro-cell” wireless communication facilities on existing utility poles in the Highway 1 right-of-way at six locations between the City of Santa Cruz and Davenport. The six new sites are needed to fill-in the carrier’s wireless network coverage along the north coast of Santa Cruz County and will provide benefits such as quick access to 911, support for emergency services (i.e., fire, police, etc.), and expanded communication services for the public.

Appellant’s contend that the approved project is inconsistent with the LCP in several ways: (1) the project will not complement or harmonize with existing land uses; (2) the project does not adequately mitigate for potential visual impacts; (3) the county’s approval is inconsistent with LCP guidelines for co-location; (4) the approved project threatens the health and safety of all life in the vicinity of the wireless facilities; and (5) the public was not given ample opportunity to participate at the local hearing.

After reviewing the local record, Commission staff has concluded that LCP visual resource protection requirements have been appropriately addressed by the County’s action. The wireless facilities have been designed to blend into the existing roadway aesthetic by using “micro-cell” technologies and low



California Coastal Commission

September 14, 2005 Meeting in Eureka

Staff: M. Watson Approved by:

profile installation procedures (i.e., flush mounting, camouflage coloring, etc.). The incremental amount of new equipment will not appear to be much different than the existing poles and utility equipment that currently serve the small neighborhood. The facilities will be sited on existing utility poles on the inland side of the Highway 1 right-of-way. The new equipment is small and inconspicuous and will result in minimal additional visual intrusion. Additionally, the project has been conditioned to require removal of the facilities if the pole-based utilities are relocated underground or if technological advances wireless communication facilities allow for reduced visual impacts.

In accordance with the County's wireless ordinance certified by the Commission on September 8, 2004, the applicant's propose to co-locate the wireless facilities on existing utility poles. Appellant's argue that the sharing arrangement is not co-location. However, the wireless ordinance specifically defines co-location as placing wireless facilities and antennas upon existing or new PG&E or other utility poles, as is the case here. To protect public health and safety, the County conditioned its approval to require post-construction monitoring of wireless facilities to ensure they are operated in compliance with the Federal Communication Commission radio frequency radiation exposure standards. Failure to operate in compliance with the established FCC standards is grounds for review of the use permit and permit revocation.

Finally, the permit has been noticed and processed in accordance with LCP procedures. The County conducted a properly noticed public hearing on the projects on May 6, 2005.

In sum, the County approved projects have been designed and sited to blend into the existing roadway aesthetic and minimize the amount of additional clutter consistent with LCP visual resource policies. The project is consistent with the certified LCP for co-location and must conform to federal standards established to protect the safety or health of the public. Additionally, new vehicle access has been prohibited. All construction and maintenance activities must be made by personnel on foot to prevent disturbance of undisturbed areas.

Thus, Staff recommends that the Commission find that **no substantial issue exists** with respect to this project's conformance with the certified LCP, and that the Commission decline to take jurisdiction over the coastal development permit for the project.

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1. Appeal of Santa Cruz County Decision

A. Santa Cruz County Action

Santa Cruz County approved this proposed project subject to multiple conditions on May 6, 2005 (see exhibit D for the County's adopted staff report, findings and conditions on the project). The County's approval by the Zoning Administrator was appealed to the Commission on June 9, 2005. The Appellant's in this matter before the Commission are residents of Santa Cruz County and participated in the local meetings at the County. The Zoning Administrator's approval was not appealed locally (i.e., to the Planning Commission).¹

Notice of the Zoning Administrator's action on the coastal development permits (CDPs) were received in the Coastal Commission's Central Coast District Office on May 25, 2005. The Coastal Commission's ten-working day appeal period for this action began on May 26, 2005 and concluded at 5pm on June 9, 2005. Two valid appeals (see below) were received during the appeal period.

¹ Normally local appeals must be exhausted before an appeal can be made to the Coastal Commission. In Santa Cruz County's case, the appeals process is that Zoning Administrator decisions can be appealed to the Planning Commission, and Planning Commission decisions can be appealed to the Board of Supervisors (and the Board can also independently elevate an item to the Board for consideration). However, because Santa Cruz County charges a fee for local coastal permit appeals, aggrieved parties can appeal lower decisions directly to the Commission. Since the appeal in this case is of a Zoning Administrator decision, the Appellants have availed themselves of the direct appeal route.



B. Appeal Procedures

Coastal Act Section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs for development that is (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) in a sensitive coastal resource area; (4) for counties, not designated as the principal permitted use under the zoning ordinance or zoning district map; and (5) any action on a major public works project or energy facility. This project is appealable because it is located between the sea and the inland extent of the first public road right-of-way and it is not a principally permitted use of the underlying zoning.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified LCP or the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a de novo coastal development permit hearing on an appealed project unless a majority of the Commission finds that “no substantial issue” is raised by such allegations. Under Section 30604(b), if the Commission conducts a de novo hearing, the Commission must find that the proposed development is in conformity with the certified local coastal program. Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act, if the project is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone. This project is so located and thus this additional finding would need to be made in a de novo review in this case.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the de novo stage of an appeal.

C. Appeal of Marilyn Garrett

Mrs. Garrett contends that the proposed project (all six sites) is inconsistent with the County’s wireless ordinance that governs the siting, design, and installation of wireless communication facilities and more specifically, the requirements co-locating communication facilities (IP ordinance 13.10.660(d)(7)). The appeal further contends that wireless technology is a public health and safety threat contrary to 13.10.661(d); and that the public has effectively been excluded from participating in local meetings on this issue.

D. Appeal of Stephen and Laura Brooks

The Appellant’s contend that the proposed development is not consistent with the design criteria and special use standards of IP ordinance 13.20.130 et seq. They argue the wireless facilities are not



compatible and integrated with the character of the neighborhood contrary to Section 13.20.130(b)(1) of the County's certified IP; the facilities will project above the ridgeline (13.20.130(b)(3)); and the development was not located in the least visible site from public view contrary to 13.20.130(c)(1).

2. Staff Recommendation on Substantial Issue

The staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal was filed. A finding of no substantial issue would mean that the County's decision in this matter would be final (conversely, a finding of substantial issue would bring the project under the jurisdiction of the Commission for hearing and action).

Motion. I move that the Commission determine that Appeal Number A-3-SCO-05-036 raises **no** substantial issue with respect to the grounds on which the appeal has been filed under §30603 of the Coastal Act.

Staff Recommendation of No Substantial Issue. Staff recommends a **yes** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

Resolution to Find No Substantial Issue. The Commission hereby finds that Appeal Number A-3-SCO-05-036 does not present a substantial issue with respect to the grounds on which the appeal has been filed under §30603 of the Coastal Act regarding consistency with the Certified Local Coastal Program and/or the public access and recreation policies of the Coastal Act.

Recommended Findings and Declarations

The Commission finds and declares as follows:

3. Project Description

A. Project Location

AT&T Wireless proposes to install a system of six "microcell" wireless communications facilities on existing utility poles on the inland side of the Highway 1 right-of-way north of the City of Santa Cruz, between Western Drive and the City of Davenport. The specific geographic locations of all six sites are shown on Exhibit A and more particularly described as: 1) Granite Rock Quarry (approximately 0.3 miles before the Highway 1 bridge over Wilder Creek; 2) Landfill Site (approximately 0.3 miles after the main entrance to Wilder Ranch State Park; 3) Dimeo Lane (approximately 0.15 miles after Dimeo



Lane); 4) North Farmlands (approximately 1.2 miles after Dimeo Lane; 5) Scaroni Road (less than 0.1 mile after Back Ranch Road; and 6) Laguna Road (approximately 0.1 mile before Laguna Road). The Highway 1 right-of-way is owned by the State of California and maintained by the Department of Transportation (Caltrans).

The north coast of Santa Cruz County between Western Drive and Laguna Road is a scenic area offering abundant opportunities for coastal access and recreation. Much of the public and privately held land west of Highway 1 is maintained in agricultural production and/or open space. The views west of Highway 1 are generally of agricultural fields, farmhouses, and the undulating coastline. This stretch of shoreline is part of the Monterey Bay National Marine Sanctuary, the largest of twelve such federally protected sanctuaries nationwide. There are several popular pocket beaches that can be reached by a short hike and frequently visited by surfers, fishermen, and beachgoers. Inland of Highway 1 there are agricultural fields and farmhouses on the lower terraces of the watershed, and a mix of chaparral, oak woodland, and pine forest species on the upper benches of the mountains. Within the Highway 1 road right-of-way are existing utility poles that provide electric and telephone service to the north coast farms and residences. The utility poles can be seen on both sides of the highway and include the typical electric and phone facilities (i.e., wiring, transformers, insulators, etc).

B. County Approved Project

The County approved a system of six “microcell” wireless communication facilities on six existing utility poles between the City of Santa Cruz and Davenport. Currently, the Applicant has wireless facilities on Swift Street on the west end of the City and an approved Coastal Permit for facilities at the Davenport cement plant. The approved microcell sites that are the subject of this appeal are necessary to provide continuous wireless coverage on Highway 1 between the Swift Street location and Davenport. The series of low-power microcell facilities are perfectly suited to reach this topographically separated, winding, and hilly segment of Highway 1.

See exhibit B for County-approved plans and exhibit D for the adopted County findings, and conditions approving the project.

4. Substantial Issue Findings

A. Policies Cited by Appeal

The Appellants formally identify LCP policy 13.20.130 as the basis for the appeal. Aside from this section of the LCP, the Appellants generally refer to the project not meeting other goals of the LCP, such as threatening the health and safety of persons in the vicinity, incompatibility with the standards for co-location, and precluding the public from participating in planning meetings. See exhibit C for the Appellants complete appeal documents.



B. Analysis of Consistency with Cited Policies

As detailed below, the appeal does not raise a substantial issue with respect to the project's conformance with the Santa Cruz County LCP.

1. Visual Resources

The following County LCP design criteria is protective of coastal zone visual resources, particularly views from public roads, on ridgelines, and in rural scenic areas. The LCP states:

13.20.130(b)(1) Visual Compatibility. *All new development shall be sited, designed, and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas.*

13.20.130 (b)(3) Ridgeline Development. *Structures located near ridges shall be sited and designed not to project above the ridgeline or tree canopy at the ridgeline.*

13.20.130(c)(1) Rural Scenic Resources. Location of Development. *Development shall be located if possible, on parts of the site not visible or least visible from the public view. Development shall not block views of the shoreline from scenic road turnouts, rest stops or vista points.*

Appellants contend that the proposed additional wireless facilities are not visually compatible with the character of the neighborhood consistent with IP section 13.20.130(b)(1). They maintain that the placement of cell phone antennas, electrical and support facilities on a hillside directly overlooking the Old Coast Road neighborhood represents a visual hardship for residents accustomed to the rural character of the coastal hills.

Highway 1 along the north coast of Santa Cruz county is designated a scenic highway. The adjacent land use is both agricultural and residential. Several homes have been constructed west of the highway along Old Coast Road, however the views are primarily of farmland and the Pacific Ocean. Mature vegetation and trees provide visual screening of the residences from Highway 1. Utility poles dot the landscape on both sides of Highway 1. The poles and attendant infrastructure (i.e., wiring, guys, transformers, etc.) are necessary to provide electric and phone service to area residences and farms.

Section 13.20.130(b)(1) of the certified Santa Cruz County LCP requires new development to be sited, designed, and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas. The applicant proposes to install two wireless antennas (7" wide, 24" in length, 2" thick) and ancillary equipment (max size 16" wide, 21" in length, 8" thick) on existing poles (18" diameter) on the inland side of the highway right-of-way, across the highway from area residences.

The wireless facilities have been designed to blend into the existing roadway aesthetic by using "micro-cellular" technologies, flush-mounting antennas, and co-locating facilities on existing utility poles on the inland side of the highway right-of-way. The proposed project will result in additional facilities on the existing poles, however, the incremental amount of new equipment is not unlike the existing poles,



transformers, and wiring that currently serve the small neighborhood. The applicant's proposal takes advantage of the existing infrastructure and micro-cell technology to provide a wireless communication system that is far less intrusive than installation of new / additional poles and larger macro-cellular facilities. In addition, the proposed project has been conditioned to require removal of all permanent facilities if the pole-based utilities are relocated underground or if technological advances allow for reduced visual impact. As a result, the proposed wireless facilities will not significantly increase the visual impact of the existing utility poles. The proposed wireless facilities are fairly inconspicuous, will not impact or interrupt public views of the coast, and may result in fewer cumulative impacts by avoiding the need for larger facilities. The proposed project has been sited and designed to be visually compatible with the surrounding environment and therefore, **no substantial issue exists**.

Appellants also contend that the proposed facilities are not sited below the ridgeline as required by LCP section 13.20.130(b)(3). They contend there are feasible alternative sites that are less visible from the highway and of adequate height to provide wireless transmission signals. They recommend re-siting the antennas and ancillary equipment further inland on existing poles outside the Highway 1 right-of-way towards Bonny Doon.

Section 13.20.130(b)(3) of the LCP requires *structures* to be sited and designed not to project above the ridgeline. Though installation of the proposed wireless facilities clearly constitutes development, it is not clear whether the antennas and ancillary equipment can be considered a structure. The LCP defines a structure as anything that is founded in the ground, but also specifically identifies items such as electrical transmission lines as being a structure. In this case, the existing utility poles clearly can be considered a structure, whereas the wireless facilities may or may not be a structure. In any event, the County's interpretation of ridgeline has always been the top of the mountain. The proposed site of the new wireless facilities is on a utility pole midway up a small hill above Highway 1. In some cases, the wireless facilities may appear to rise above the ridgeline as viewed from public vantage points. However, these small "micro-cell" devices have been designed to minimize visual impacts and will not substantially degrade the views of the ridgeline. See Exhibit E. Moreover, placement of the micro-cell facilities on existing utility poles in the road right-of-way is consistent with the Santa Cruz County wireless ordinance, which was adopted to provide specific guidance on siting of wireless facilities to ensure that any expansion of the existing infrastructure will not degrade scenic views.

In response to the appellant's second part of this contention, more specific standards and guidelines for siting and designing wireless communication facilities are contained in the County's Wireless Communications Ordinance (IP sections 13.10.660 – 668). The Ordinance authorizes co-location of wireless facilities within the Highway 1 right-of-way on existing utility poles if they use "micro-cellular" technologies, have antennas that are no larger than 1' x 2', are flush mounted, and located on the inland side of the highway right-of-way. The applicant must first prove that the facility is needed to reduce or eliminate a significant gap in the carrier's network coverage, and that there are no technically feasible alternatives and environmentally superior alternatives outside the right-of-way that could eliminate or reduce the coverage gap.

Currently, the Applicant has wireless facilities on Swift Street on the west side of Santa Cruz and an



approved Coastal Permit for facilities at the Davenport cement plant. The series of micro-cell sites that are the subject of this appeal are necessary to provide continuous wireless coverage on Highway 1 between the Swift Street location and Davenport. Because cellular coverage is greatly affected by geographic features, a series of low-power micro-cell facilities are best suited to reach this topographically separated, winding, and hilly segment of Highway 1. The use of co-located micro-cellular facilities in place of larger wireless communication facilities also minimizes visual and environmental impacts associated with construction of wireless facilities due to the small size of the facilities and the presence of existing poles and utility infrastructure.²

In accordance with the LCP wireless ordinance, the proposed wireless facilities will be mounted onto existing structures (i.e., utility poles) within the Highway 1. The applicant proposes to install “micro-cellular” facilities that are designed to minimize visual impacts and fill-in a gap in the networks coverage. Micro-cellular antennas are most protective of visual resource because of their small size- 7” wide, 24” long, and 2” thick. They can be flush-mounted onto existing utility poles, and camouflaged with paint. By contrast, macro-cellular facilities are much larger in size and require a dedicated structure (i.e., mono-pole) that is between 75’ – 100’ in height. The proposed “micro-cell” wireless facilities are environmentally superior to other cellular alternatives and pose fewer visual impacts.

Appellants further contend that the development is not located in the least visible site from public view. As noted by the appeals, Highway 1 corridor is considered a scenic viewshed and must be protected consistent with LCP standard 13.20.130(c)(1). This standard applies to all projects located within designated rural scenic resource areas and requires development to be located, if possible, on parts of the site not visible or least visible from the public view.

The County’s Wireless Ordinance provides specific guidance for siting and designing wireless facilities consistent with this objective. Specifically, as noted above, wireless facilities are prohibited in the highway right-of-way unless the carrier specifically uses “micro-cellular” technology, takes measures to camouflage the facilities, and installs it on existing utility poles (Section 13.10.661(c)(2)). The intent of the ordinance is to ensure that wireless facilities do not result in a significant expansion of existing infrastructure that would degrade scenic views. The County-approved project complies with these requirements by proposing the use of micro-cell antennas and facilities, carefully selecting locations on existing utility poles inland of Highway 1, and imposing special conditions that requires removal of the wireless facilities if the existing pole-based utilities are relocated underground or if technological advances in wireless communication facilities allow for reduced visual impacts.

Therefore, the appeal does not raise a substantial issue regarding the project’s conformance with the visual resource protection requirements of the certified LCP.

2. Wireless Facilities

The County’s wireless communications ordinance provides specific guidance and standards for siting,

² The County’s wireless ordinance defines co-location as placing new wireless communication facilities / antennas upon existing or new PG&E or other utility towers or poles.



designing, and operating wireless communications facilities. The LCP states:

13.10.660(c)(3) Applicability. *Activities and development regulated by this ordinance include the siting design, construction, major modification, and operation of all wireless communication facilities, including Federal Communication Commission (FCC) regulated...wireless service facilities (e.g., cellular phone service, PCS – personal communication services, wireless paging services, wireless internet services, etc.). The regulations in this ordinance are intended to be consistent with state and federal law, particularly the Federal Telecommunications Act of 1996, in that they are not intended to:...(3) have the effect of prohibiting the siting of wireless communication facilities on the basis of the environmental / health effects of radio frequency emissions, to the extent that the regulated services and facilities comply with the regulations of the Federal Communications Commission concerning such emissions.*

13.10.660(d)(7) Co-location or Co-located Facility. *When more than one wireless service provider share a single wireless communication facility...Placing new wireless communication facilities / antennas upon existing or new PG&E or other utility towers or poles (e.g., “micro-cell” sites) is also considered co-location.*

13.10.661(d) Compliance with FCC Regulations. *Wireless communication facilities shall comply with all Federal Communication Commission (FCC) rules, regulations, and standards. Inhabitants of the county shall be protected from the possible adverse health effects associated with exposure to harmful levels of NIER (non-ionizing electromagnetic radiation) by ensuring that all wireless communication facilities comply with NIER standards set by the FCC.*

The Appellants contend that the approved project is inconsistent with the County’s wireless ordinance regarding co-location of wireless facilities, asserting that the County’s definition of co-location incorrectly extends beyond the typical definition of “more than one wireless service provider sharing a single wireless facility” because it includes the placing of new wireless communication facilities / antennas upon existing or new P.G.&E. or other utility towers or poles. The contention is that this definition is imprecise and will facilitate further expansion of wireless communication facilities.

The applicant proposes to install micro-cellular antennas and equipment on existing utility poles within the Highway 1 right-of-way. This technique of “daisy-chaining” the new devices on the existing infrastructure is consistent with the County’s ordinance regarding co-location and was endorsed to lessen mainly visual impacts associated with siting new infrastructure in highly scenic areas. The existing poles, wiring, transformers, and other equipment already exist. They already impose a visual impact on the local area. Co-locating small, unobtrusive, micro-cellular antennas and equipment with the existing utility infrastructure will not substantially alter or degrade the visual impacts of the existing poles and infrastructure, or the visual aesthetic of the community.

In its deliberations on the wireless ordinance, the County found that the proliferation of wireless communication towers and antennas had the potential to create significant adverse visual impacts. They recognized the need to regulate the siting, design, and construction of wireless communication facilities to ensure that the appearance and integrity of the unincorporated areas of Santa Cruz County would not



be marred by the cluttering of unsightly facilities. The ordinance deliberately included the use of existing utility poles within the definition of co-location in order to minimize visual clutter. This approach is consistent with the overall objective of “more than one service provider sharing a single facility. As approved by the County, the placement of wireless communication facilities on existing utility poles is consistent with the LCP standards for co-location. Therefore, **no substantial issue exists.**

The Appellants also contend that the County approved project threatens the health and safety of the public in the vicinity of the cell antennas. The claim is that the wireless facilities broadcast microwaves throughout the area adjacent to the cell towers and expose the public to dangerous levels of radiation resulting in numerous ailments. They claim this amounts to involuntary toxic trespass and intrusion into the sanctity of our homes, neighborhoods, and cars.

Section 13.10.664(a) of the County’s wireless ordinance states that no wireless facility shall be located or operated in a manner that poses, either by itself or in combination with other such facilities, a potential threat to public health. To that end, no telecommunications facility or combination of facilities may produce power densities in any area that exceed the FCC adopted standard for human exposure. To implement this, post-construction monitoring of wireless communication facility radio frequency (RF) radiation exposures is required for all wireless communication facilities to prove that all new wireless communication facilities operate in compliance with the FCC RF radiation exposure standards. The County conditioned its permit to require within 90 days after commencement of normal operations, a report documenting radiation measurements and comparing the results to the FCC standards for such facilities will be submitted to the Planning Director. Failure to supply the required reports or to remain in continued compliance with the established FCC standards is grounds for review of the use permit and may result in the initiation of permit revocation proceedings by the County.

A preliminary Radio Frequency (RF) report has been prepared for the project by a qualified consulting engineer. It is the finding of the report that the proposed facility will result in a maximum ambient RF level of less than 1% of the applicable public exposure limit.

Thus, this issue does not rise to the level of a substantial issue in terms of the project’s conformance with the certified LCP.

3. Public Notice

The Appellant contends the County’s hearing process precludes participation from the public. The complaint stems from the County’s practice of scheduling meetings during the day when most of the public is at work. They claim that evening meetings would better serve public participation.

Consistent with the County’s certified LCP, public notice of the impending zoning Administrator’s hearing was mailed to all owners of property within 300 feet of the proposed project, posted on the property, and published in the Santa Cruz Sentinel at least 10 days prior to the date of the hearing. The notice contained information on the location and description of the project, how to obtain additional information on the project, the date of the hearing, and description of the appeal procedures. There was a properly noticed public hearing on the proposed projects on May 6, 2005.



The projects have been processed consistent with LCP noticing and hearing requirements, and the Appellants have been provided with adequate opportunity to inform local decision makers of their concerns. Documents submitted with the appeal indicate that the Appellants submitted written comments on the project prior to the County's action. Therefore, **no substantial issue exists.**

C. Substantial Issue Conclusion

The County-approved project is for a system of "micro-cell" wireless communication facilities at six locations on the north coast of Santa Cruz County. The wireless facilities will be co-located on existing utility poles and flush mounted to minimize visual intrusion. The project has further been conditioned to require the abandonment and removal of the wireless facilities if the pole based utilities are relocated underground. The conditions also require replacement of the facilities when technological advances allow for reduced visual impacts. With these conditions, the approved project is consistent with the certified wireless communication ordinance and will not have a significant impact on visual resources or the rural character of the north coast community.

Thus, the Commission finds that no substantial issue exists with respect to this project's conformance with the certified Santa Cruz County LCP and the public access and recreation policies of the Coastal Act and declines to take jurisdiction over the coastal development permit for the project.

